

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

REVA CLAYTON, as personal representative of the
Estate of VIRGIL SNEED, Deceased, and OMAR
JOHNSON,

No. 2:05-CV-60157

Plaintiffs,

Hon. John Corbett O'Meara

v

Magistrate Judge Steven D. Pepe

TROOPER PHIL DUPLESSIS and TROOPER
JONATHON HENRY, Jointly and Severally,

Defendants.

Todd J. Weglarz (P48035)
Attorney for Plaintiffs

James T. Farrell (P35400)
Attorney for Defendants
Michigan Department of Attorney General
Public Employment, Elections, & Tort Division
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ORDER REGARDING DEFENDANTS' INITIAL MOTION

Contemporaneous with the filing of their Answer, the Defendants filed a Motion to Dismiss Plaintiffs' claims under the Fifth and Fourteenth Amendments and a Motion for Partial Dismissal. Between the time of the filing of those Motions, and the September 29, 2005 hearing on those Motions, the Court sua sponte remanded Plaintiffs' state law claims. In light of the Court's Order of Partial Remand, and upon the stipulation of counsel, as indicated by their attorneys' signatures below, and the Court being aware of the relevant facts and applicable law,

IT IS ORDERED that, in light of the Court's Order of Partial Remand, the Defendants' Motion for Partial Dismissal is moot, and, therefore, is withdrawn.

IT IS FURTHER ORDERED that Plaintiffs' claims under the fifth amendment are dismissed without prejudice and without cost to either party.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss Plaintiffs' claims brought under the fourteenth amendment is withdrawn.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: October 14, 2005

"APPROVED AS TO FORM"

s/Todd J. Weglarz (with consent)
Todd J. Weglarz (P48035)

Dated: October 12, 2005

s/James T. Farrell (P35400)

James T. Farrell (P35400)

Attorney for Defendants

Dated: October 12, 2005